

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

SANDRA COOKSEY,

Case No. 6:19-cv-01760-MK
ORDER

Plaintiff,

vs.

DIAMOND RESORTS
INTERNATIONAL CLUB, INC.,
a Florida Corporation,

Defendant.

AIKEN, District Judge:

Magistrate Judge Mustafa Kasubhai has filed his Findings and Recommendation (“F&R”) (Doc. 31) recommending that the Court deny defendant’s motion for interlocutory appeal pursuant to 28 U.S.C § 1292(b). Doc. 25. This case is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge’s F&R, the district court must make a *de novo* determination of that portion of the magistrate judge’s report. *See* 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore*

Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), *cert denied*, 455 U.S. 920 (1982).

Defendant has filed timely objections (Doc. 33) and plaintiff has filed a timely response (doc. 34) Having reviewed the objections and the file of this case, the Court finds no error in Magistrate Judge Kasubhai's order, and likewise finds that defendant has failed meet the statutory criteria justifying an interlocutory appeal in this matter.

Thus, the Court adopts Magistrate Judge Kasubhai's F&R (Doc. 31) in its entirety. Defendant's motion for interlocutory appeal (Doc. 25) is DENIED.

IT IS SO ORDERED.

Dated this 24th day of March, 2021.

/s/Ann Aiken
Ann Aiken
United States District Judge